

# **Minutes of a Regular Meeting Town of Los Altos Hills PLANNING COMMISSION**

Approved 6/28/2007

THURSDAY, June 7, 2007, 7:00 p.m.  
Council Chambers, 26379 Fremont Road  
cc: Cassettes (2) #6-07

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## **1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

The regular meeting of the Planning Commission was called to order by Vice-Chairman Carey at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Collins (joined meeting at 8:30 p.m. and participated in the discussion of all agenda items with the exception of agenda item 3.1), Commissioners Carey, Clow and Harpootlian

Absent: Commissioner Cottrell

Staff: Debbie Pedro, Planning Director; Brian Froelich, Associate Planner; Nicole Horvitz, Assistant Planner; Leslie Hopper, Contract Planner; Victoria Ortland, Planning Secretary

## **2. PRESENTATIONS FROM THE FLOOR-none**

## **3. PUBLIC HEARINGS**

With the consensus of the Planning Commission, the agenda was reordered by Vice-Chairman Carey.

- 3.1 LANDS OF MAD MANOR, II, LLC, 27641 Purissima Road; File #22-06-IS-ND-TM; A request for a six-lot subdivision of an existing 11.899-acre parcel (net). The property is zoned R-A (Residential-Agricultural) and is located at the intersection of Elena Road and Purissima Road. CEQA Review: Mitigated Negative Declaration. (Staff-Leslie Hopper).

### **Ex Parte Contacts Policy Disclosure**

Commissioner Harpootlian disclosed that he had attended the Subdivision Committee meeting regarding this item and met with project manager, Bruce Askari, on the property.

Commissioner Clow had also visited the site.

Leslie Hopper presented the staff report stating the project was a tentative map for a six-lot subdivision. The approximately 12-acre property was located on the west side of Purissima Road at the intersection of Elena Road. Deer Creek runs through the western part of the site. On March 17, 2005 the City Council approved the La Cresta sewer extension project on the property

that involved construction of a bridge over Deer Creek and a maintenance access road. Access will be by a public road off Purissima Road and private easement for parcels 5 and 6. An open space easement was recommended along Deer Creek that extended east of the channel to include the steep slopes and west to include the dripline of the heritage oak trees on parcel 2. A pathway is proposed beginning along the northern side of the public road from Purissima Road to the private easement and extended to the eastern property boundary.

Commissioner Carey asked about the request for the easement to include the dripline of the heritage oak trees. Staff replied that open space easements have been required for past subdivisions to include areas of steep slopes with oak tree groves.

Ruth Morrison, applicant and property owner since 1952, requested that the open space easement covering the oak tree dripline on parcel 2 be modified as the trees are already protected by the Town. She did not want the water wells removed and cause ruin to the self-sufficiency of her property. Mrs. Morrison asked that the pathway be moved to the opposite side of the road than proposed to help protect her privacy. She wished the name Mad Manor Way for the public road would be retained and not changed to Morrison Way. She promised to complete the La Cresta sewer extension but asked for creative financial help from those who will benefit from the project.

Bruce Askari, project manager, stated that the open space easement requested under the dripline of the oak trees was added after the site walk and he asked to have it removed. He explained that the 10-foot-wide easement containing the sewer line that currently serves La Cresta Drive would be removed when the new sanitary sewer connection that will also serve the remaining properties on La Cresta Drive is complete and operational.

Commissioner Carey commented that the Planning Commission would be hesitant to become involved with the financial concerns of the sewer line and unlikely to address the issue at this meeting.

Mr. Askari would appreciate verbal support of the Planning Commission as Mrs. Morrison undertook the sewer project for the Town's benefit. He wished to bring to the attention of the Planning Commission that a steep swale to Deer Creek was created by the mismanagement of water run-off from the I-280 roadway construction and was not a natural swale. Six oaks have been lost to flooding in the area already.

Ruth Morrison, applicant, stated that when the freeway was built, the water started to flood her property and caused the need for removal of at least 5 valuable oak trees. She would like to have relief from the water damage.

## OPENED PUBLIC HEARING

Sandy Humphries, Environmental Design Committee, stated that the Open Space Committee had hired Michelle Morrison, a wildlife specialist who recommended that along riparian corridors, easements should include the dripline of edge trees. She had fears that a new owner of the property may remove the oak trees in the future.

Ginger Summit, Pathways Committee, addressed the concern of the pathway along the new road and said it was an option to move the pathway to the other side of the road. She also felt it was important to maintain the pathway along Purissima Road.

Carol Gottlieb, Summerhill Avenue, stated that the pathway would be in a road right-of-way.

Leslie Hopper confirmed that the pathway would require no additional easement within the public road right-of-way but a pathway easement would be required along the private drive.

Nancy Couperus, Open Space Committee, said the Committee's concern was for the riparian corridor's protection and the recommended easement included the oak trees also.

Bruce Askari asked for approval to install a storm drain pipe from the existing catch basin to the creek to prevent further erosion.

Leslie Hopper stated that the installation of a storm drain pipe would need to be approved by the Santa Clara Valley Water District. Condition # 11 addressed the drainage concerns and required permits to be obtained from the Water District and the Department of Fish and Game, if necessary.

#### CLOSED PUBLIC HEARING

Commissioner Clow asked staff the reason for capping the wells.

Debbie Pedro explained that once the property is subdivided and sold, the wells will be located on a parcel that will not be owned by Mrs. Morrison. There could be a private arrangement between the property owners to supply water. The water storage tank will be removed and relocated to parcel 1. The wells are located on parcel 2.

Commissioner Carey asked staff if there were any problems moving the sanitary sewer easement to the new location and why the name Mad Manor Way had been considered to be changed to Morrison Way.

Staff replied that there were no anticipated problems with the easement change. The name change for the road was proposed at the Subdivision Committee hearing in April by an attendee who considered the name odd. The name had been used by the Morrison family for many years and had special meaning to them. It is the City Council's decision to approve the name of the road.

Commissioner Clow wanted to respect the intent and interest of the property owner and felt the road should be called Mad Manor Way. He recommended the change of the pathway location to the other side of the road. He supported the open space easement to include the drip line of the oak trees but not the open space easement over the swale located from I-280 to Deer Creek. He wanted it to be possible to keep the water well available to lot 1. He felt the pipe from the catch basin would need to be addressed in another application.

Commissioner Harpootlian felt the Planning Commission should not be involved with the well issue. On the open space easement on the swale along Deer Creek he would accept a recommendation by staff. He supported the open space easement including the area of the oak tree drip line and the change of location for the pathway. He preferred the name Morrison Way for the road but deferred the decision to the City Council.

Commissioner Carey supported the name Mad Manor Way for the road and relocation of the pathway to the opposite side of the road. He supported the open space easement in the riparian corridor but not under the drip line of the oak trees. He was in favor of capping the water wells. He would not remove the open space easement over the swale.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Clow and seconded by Commissioner Harpootlian to recommend to restore the requested road name of Mad Manor Way.

AYES: Commissioners Carey, Clow and Harpootlian  
NOES: none  
ABSENT: Chairman Collins, Commissioner Cottrell

**MOTION SECONDED AND PASSED:** Motion by Commissioner Clow and seconded by Commissioner Harpootlian to recommend the change of location of the pathway to the other side of the road.

AYES: Commissioners Carey, Clow and Harpootlian  
NOES: none  
ABSENT: Chairman Collins, Commissioner Cottrell

**MOTION SECONDED AND PASSED BY THE FOLLOWING ROLL CALL VOTE:** Motion by Commissioner Clow and seconded by Commissioner Harpootlian to recommend a modification to condition # 13 to read "any and all wells on the property shall be shown on the improvement plans, shall be properly registered with the Santa Clara Valley Water District or be abandoned and capped in accordance with the Santa Clara Valley Water District standards."

AYES: Commissioners Clow and Harpootlian  
NOES: Commissioner Carey  
ABSENT: Chairman Collins, Commissioner Cottrell

**MOTION SECONDED AND PASSED BY THE FOLLOWING ROLL CALL VOTE:** Motion by Commissioner Clow and seconded by Commissioner Carey to recommend the change in the open space easement boundary from the drip line of the oak trees to 25 feet away from the creek bank of Deer Creek.

AYES: Commissioners Carey and Clow  
NOES: Commissioner Harpootlian  
ABSENT: Chairman Collins, Commissioner Cottrell

**MOTION MADE AND FAILED:** Motion by Commissioner Clow, to recommend the removal of the open space easement over the steep swale on Lot 1 that is not part of Deer Creek. Failed due to the lack of a second.

**MOTION MADE AND FAILED:** Motion by Commissioner Clow, to recommend that a drainage pipe from the catch basin to Deer Creek is included in the application. Failed due to the lack of a second.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Clow and seconded by Commissioner Harpootlian to recommend to City Council to adopt the mitigated negative declaration and mitigation monitoring program and recommend approval of the tentative map based on the findings and subject to the amended conditions for the Mad Manor subdivision.

**AYES:** Commissioners Carey, Clow and Harpootlian

**NOES:** none

**ABSENT:** Chairman Collins, Commissioner Cottrell

This decision will be forwarded to be heard at a future City Council meeting.

- 3.2 LANDS OF ESHGHI AND DOROODIAN, 13530 Fremont Road; File # 58-07-ZP-SD; A request for a Site Development Permit for a landscape screening plan for a 4,365 square foot new residence approved on March 14, 2005. CEQA Review: Categorical Exemption per Section 15304 (b). (Staff-Nicole Horvitz).

Ex Parte Contacts Policy Disclosure - none

Commissioner Carey recused himself from this item as a neighboring property owner.

Nicole Horvitz, Assistant Planner, reported that the April 14, 2005 conditional development permit approval of the new residence required that the landscape screening plan be reviewed by the Planning Commission.

Kamyar Eshghi, applicant, said that he has received overwhelming support from the neighbors on the landscaping that has been completed.

Commissioner Harpootlian commended the applicant on the beautiful job done on the lot.

#### OPENED PUBLIC HEARING

Ginger Summit, Lennox Way, welcomed the Eshghi family into the neighborhood and loved the new house and the landscaping. She appreciated that the plantings installed along Fremont Road and Burke Road are not solid and will be kept less than 3 feet tall.

Francis LaPoll, Fremont Road, welcomed Mr. Eshghi to the neighborhood and was pleased to receive the notice regarding the landscaping of the home.

## CLOSED PUBLIC HEARING

Commissioner Clow recommended approval of the project.

Commissioner Harpootlian agreed.

MOTION SECONDED AND PASSED BY THE FOLLOWING VOICE VOTE: Motion by Commissioner Clow and seconded by Commissioner Harpootlian to approve the landscape screening plan.

AYES: Chairman Collins, Commissioners Clow and Harpootlian  
NOES: none  
ABSENT: Commissioner Cottrell  
ABSTAIN: Commissioner Carey

- 3.3 LANDS OF KILLIAN & LEE, 27961 Central Drive; File #216-06-ZP-SD, A request for a site development permit for a relocated driveway and a grading policy exception for driveway retaining walls. CEQA Review: Categorical Exemption per Section 15302. (Staff-Nicole Horvitz).

Ex Parte Contacts Policy Disclosure - none

Commissioner Clow recused himself, as he is a friend of the applicants.

Nicole Horvitz, Assistant Planner, corrected page 2 of the staff report stating that the proposed amount of development area was 572 square feet and no retaining walls were proposed. The subject property is a 2.9 acre parcel located on the north side of Central Drive. The applicant is requesting to relocate the existing driveway 120 feet east of the current location. The fill amount required will be greater than the 3 feet permitted by the Town's grading policy. One pine tree and one bottlebrush bush would be removed for construction of the new driveway. Driveway gates and columns with shielded uplights are proposed. In condition of approval # 6, staff had recommended that the lights be changed to downlights or fixtures with frosted glass. On March 30 and April 15, 2007 a stop work was issued on the property for addition of fill material before approval. The homeowner restored the site to natural grade on inspection of April 23, 2007. Proposed drainage improvements will direct water to the east side of the site approximately 130 feet from the nearest neighboring property. Frank Dietrich, abutting neighbor on Zappettini Court, contacted staff regarding screening and visibility of the new driveway from his property.

Commissioner Carey asked if the driveway had been staked.

Debbie Pedro, Planning Director, presented images showing that the entrance of the driveway had been staked out.

Waidy Lee, applicant, explained that the driveway relocation is needed for safety reasons, ease of deliveries to her home, upgrade for the Fire Department and for landscape screening of the

sight distance and the number of trees required for removal. The yellow card was posted the morning after receiving it.

Commissioner Harpootlian had concerns with the additional water run-off created by the new driveway.

Debbie Pedro stated that based on the amount of driveway paving and additional hardscape that may be added the dissipater is adequate to mitigate water runoff towards the downhill neighbors.

Earl Killian, applicant, commented on the drainage systems currently in use on the property.

#### OPENED PUBLIC HEARING

Eric Evan, Buena Vista Drive, supported the plan and believed that the new driveway access to Central Drive would create a much safer line-of-site for entering and exiting of the property.

Frank Deitrich, Zappetinni Court, did not feel that he had been provided with the proper time to study the project. He expressed concern that the submitted plans were insufficient and needed revision. He expected that headlights from cars on the new driveway would shine directly into his house. He wanted the proposed grading exception and the fill amount needed examined carefully. There was a drainage problem on the property that dumped water onto his property also.

Zsuzsanna Molnar, Zappetinni Court, asked staff about the timing of the mailing of the public notice. She had concerns over the headlights from the new driveway and the issue of drainage and would appreciate more time to consider the proposed project.

Chairman Collins asked about the 10 day noticing requirement for public hearings and staff responded that notices are mailed 10 days before a public hearing.

Waidy Lee, applicant, noted that the submitted plans were drawn by a professional and were complete. She felt that headlights on the new driveway should be screened from the neighbor's house by landscape plantings.

Earl Killian, applicant, explained that flags marking the driveway entrance had always been in the ground and then staff asked for additional flags recently. The yellow tag has been posted for some time.

#### CLOSED PUBLIC HEARING

Commissioner Carey stated that one option available to the Planning Commission would be to continue the application to the next meeting considering the neighbor's concerns.

Commissioner Harpootlian had concerns about the drainage from the Killian and Lee property and wished to have the Town Engineer look again into the issue if the project was continued.

Chairman Collins supported the project but thought the project could be continued to consider the concerns of the neighbors.

Commissioner Carey supported the new driveway and felt the grading policy exception was reasonable. He generally felt the noticing of the hearing was adequate but favored continuing the project to allow the neighbors to prepare for the meeting.

Commissioner Harpootlian agreed.

**MOTION SECONDED, AMENDED AND PASSED:** Motion by Commissioner Harpootlian, amended and seconded by Commissioner Collins to continue the public hearing to the next Planning Commission meeting.

AYES: Chairman Collins, Commissioners Carey and Harpootlian  
NOES: none  
ABSENT: Commissioner Cottrell  
ABSTAIN: Commissioner Clow

- 3.4 LANDS OF BOURGAN, 25875 Estacada Way; File #29-07-ZP-SD-CDP-VAR;  
A request for a Conditional Development Permit for a 1,237 square foot first and second story addition (max height 26 feet). The applicant requests consideration of Variances to allow two (2) undersized surface parking spaces 9' x 19' to encroach within the front setback. CEQA Review: Categorical Exemption per Section 15301(e). (Staff-Brian Froelich).

#### Ex Parte Contacts Policy Disclosure

Commissioner Clow disclosed that he had met with the applicants.

Commissioner Harpootlian had met with the applicants and their neighbors, Craig and Carolyn Federighi.

Brian Froelich, Associate Planner, presented the staff report and stated that the .46 acre subject property located on the west sided of Estacada Way, had a lot unit factor of .449 and required a Conditional Development Permit. The existing residence was built in 1952 and a second floor addition was built in 1980 with a side setback variance. The footprint expansion of the project would include 295 square feet with a total for a 1,237 square feet addition proposed. The project required the addition of two parking spaces. The proposed parking space variance is for the reduction in size of the spaces from standard 10x20 feet to 9x19 feet. The location of the parking spaces would encroach into the front setback. The proposed driveway and parking changes would be similar to the existing driveway that was approved in 1980 along with the second story addition. A neighbor had submitted a letter that expressed concerns over landscape screening and privacy issues.

Abbie Bourgon, applicant, wanted to add square footage to the existing house to provide a family room, an eating nook in the kitchen and two bedrooms on the second story for his family. He felt that with the bulk of the addition being placed behind the existing second story minimized the visual impact for the neighbors, especially the neighbor to the south. No additional windows are planned for the existing second story on the south side. All the neighbors have viewed the plans except one, who was at the hearing. The only other placement option for the parking



spaces outside the setbacks would be off the opposite street and would provide an awkward for entry to the house. To address the neighbor concerns over screening, the Chinese elm tree will be preserved; the new placement of the fence will provide the trees with more space to grow and the tops of the existing trees will be trimmed to promote lower growth. Regarding the privacy concerns on the second story addition, only one small window in a bathroom was proposed and the existing balcony and existing sliding door had been reduced in size. Mr. Bourgon had removed Eucalyptus trees and one bush from his yard.

#### OPENED PUBLIC HEARING

Craig Federighi, Estacada Drive, supported the project and felt Mr. Bourgon had addressed his screening and privacy issues. He had no issues with the parking variances.

#### CLOSED PUBLIC HEARING

MOTION SECONDED AND PASSED: Motion by Commissioner Clow and seconded by Chairman Collins to approve request for a site development permit subject to the recommended conditions of approval and required findings in attachments 1, 2 and 3.

AYES: Chairman Collins, Commissioners Carey, Clow, and Harpootlian.  
NOES: none  
ABSENT: Commissioner Cottrell

This decision will be forwarded to be heard at a future City Council meeting.

4. OLD BUSINESS-none

5. NEW BUSINESS

##### 5.1 Rotation Policy for Planning Commission Chair and Vice Chair

Commissioner Harpootlian asked for discussion on the rotation policy for the Planning Commission Chairman and Vice-Chairman.

Discussion ensued among the Commission regarding the Planning Commission rotation policy compared to the City Council rotation policy.

Debbie Pedro stated that the reorganization of the Planning Commission would take place at the first meeting held in July or the first meeting in August if there were no meeting in July.

Commissioner Clow proposed adopting the same rotation policy that the City Council follows for a rotation policy.

**MOTION SECONDED AND PASSED:** Motion by Commissioner Carey and seconded by Commissioner Harpootlian to adopt a Planning Commission Chairman and Vice-Chairman rotation policy similar to the City Council such that the Vice-Chairman will be elevated to Chairman in July and the Planning Commissioner serving on the Commission the longest without serving as Vice-Chairman will become the Vice-Chairman.

AYES: Chairman Collins, Commissioners Clow and Harpootlian  
NOES: none  
ABSENT: Commissioner Cottrell

## 5.2 Discussion of Planning Commission July Meeting Schedule

The next Planning Commission meeting was scheduled for the 28<sup>th</sup> of June and the July 5<sup>th</sup> meeting was cancelled.

## 6. REPORT FROM THE CITY COUNCIL MEETING

6.1 Planning Commission Representative for May 10<sup>th</sup>-Commissioner Clow, reported on the meeting.

6.2 Planning Commission Representative for May 24<sup>th</sup>-Commissioner Cottrell

6.3 Planning Commission Representative for June 14<sup>th</sup>-Commissioner Carey

6.4 Planning Commission Representative for June 28<sup>th</sup>-Cancelled

## 7. APPROVAL OF MINUTES

7.1 Approval of May 3, 2007 minutes

**PASSED BY CONSENSUS:** To approve the May 3, 2007 minutes as corrected.

## 8. REPORT FROM FAST TRACK MEETING – MAY 8 AND MAY 29, 2007

3.5 LANDS OF KELLY, 24221 Hillview Road (42-07-ZP-SD); A request for a Site Development Permit for a new 5,719 square foot single story residence (maximum height 24'7"feet). CEQA Review: Categorical Exemption per Section 15303(a). (Staff-Nicole Horvitz). Approved with conditions.

3.6 LANDS OF MURPHY, 13870 Ciceroni Lane (7-07-ZP-SD); A request for a Site Development Permit for a 4,972 square foot new residence with a 597 square foot basement and pool (maximum height: 27'). CEQA Review: Categorical Exemption per Section 15303(a). (Staff-Nicole Horvitz). Approved with conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING – MAY 8, MAY 29 AND JUNE 5, 2007

- 9.1 LANDS OF LEUNG, 27168 Moody Court (80-07-ZP-SD) A request for a Site Development Permit for a landscape screening plan. CEQA Review: Categorical Exemption per Section 15304 (b). (Staff-Nicole Horvitz). Approved with conditions.
- 9.2 LANDS OF MILLIKEN, 12989 Vista Del Valle Court (107-06-ZP-SD) A request for a Site Development Permit for a 2,703 square foot pool, spa, decking, and a new 240 square foot accessory building (max height 11 feet). CEQA Review: Categorical Exemption per Section 15303 (e). (Staff-Brian Froelich). Approved with conditions.
- 9.3 LANDS OF ZHU & XU, 24910 La Loma Court (209-06-ZP-SD) A request for a Site Development Permit for a landscape screening plan CEQA Review: Categorical Exemption per 15304 (b). (Staff-Nicole Horvitz). Approved with conditions.
- 9.4 LANDS OF ANAND, 14298 Saddle Mountain Drive; File #174-06-ZP-SD; A request for a Site Development Permit for a 578 square foot addition (max height 27 feet). CEQA Review: Categorical Exemption per Section 15301(e). (Staff-Brian Froelich). Approved with conditions.
- 9.5 LANDS OF DIVATIA, 27101 Byrne Park Lane; File #30-07-ZP-SD; A request for a Site Development Permit for landscape screening plan and a 448 square foot pool. CEQA Review: Categorical Exemption per Section 15304(b). (Staff-Nicole Horvitz). Approved with conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 10:19 p.m.

Respectfully submitted,

Victoria Ortland  
Planning Secretary